



Judge: Pay up, or go to jail

Only 5 of 33 show up to pay delinquent court costs.

By Jameson Cook
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Convicted felons in Macomb County who fail to pay various court and attorney costs on time are in the cross hairs of circuit court officials.

Thirty-three people were recently mailed letters ordering them to attend a hearing Thursday in front of circuit Judge John Foster regarding their outstanding bill. Only five of them showed up at the downtown Mount Clemens courthouse, and Foster jailed three of them immediately for being in contempt of court for being unable to pay at least one-third of the bill. Two were let go after paying a portion.

The judge issued bench warrants to the remaining 28 delinquents.

The batch of show-cause hearings represents the first time court officials have taken delinquent bill payers to court. Judge Foster volunteered to handle the cases.

"It came out of a judges meeting," Foster said Thursday following the hearings. "When I was a judge in district court, we gained an awareness out there that when people came in, they knew they needed to pay. We want to establish that reputation in circuit court."

Foster, who served several years as a 41B District Court judge in Mount Clemens, said court officials want to bolster court revenues.

"It's expensive to run a court system," he said.

Judicial Aide staffers in the past have conducted administrative hearings to try to get delinquents to pay, but by adding a judge to issue rulings and throw offenders in jail, enforcement is strengthened, officials said.

Officials tentatively plan to issue a new set of notices early next year.

The bills include costs such as court-appointed attorney fees, state costs, crime victims' rights fee, and restitution, among others.

On Thursday, Foster gave the former defendants a chance to pay some of the money or make telephone calls to try to scrape up some funds. He waived late fees, which adds 20 percent to the tally.

"It's in the best interest of the people to come in and arrange a payment plan," the judge said afterward.

The three people who couldn't pay or could only pay a small amount were whisked away by a Macomb County Sheriff's deputy.

Brandon R. LaRue, 22, who owed \$3,350 for a 2005 second-degree criminal sexual conduct conviction and a 2006 case, was told he needed to pay \$750 on the spot. LaRue told the judge he had only \$40 "to my name," so Foster ordered him to jail for 30 days. He will be released if he pays the \$750.

"I guess you're going to get some free meals," the judge told him before he was led away.

The judge noted afterward that although the county jail sometimes gets overcrowded, "they can find some room for a couple of more."

Jason C. Hayes, 22, owed \$770 for a 2006 larceny conviction and told the judge, "I can't pay it in a lump sum. I'm trying to turn my life around. I got a job a couple of weeks ago."

He couldn't pay \$300 on Thursday so was taken to jail.

The two people who paid were pleased they could leave but weren't too happy with the turn of events.

Jaime J. Franks, 31, of Warren, who owed \$195 for a 2004 attempted assault case, said she thought she had paid all the bills and brought receipts with her to prove it. Toting a young daughter, she initially was told by Foster she may go to jail and her daughter would go to Child Protective Service. But she was released after she said she could pay \$40 and promised to pay the balance of \$145 within 30 days.

"I thought I paid off my fines and costs," she said outside the courtroom. "I got off probation six months ago and thought I was doing everything right and being a good citizen. I was never notified until a week ago when my mom got it in the mail."

Ronald P. Berger, 44, of Fostoria, avoided jail when he came up with \$350 of a bill of about \$1,100. He promised to pay \$150 in three weeks then \$200 a week.

He said following the hearing that the \$350 was all he had, including \$50 from a "secret stash" in his wallet. The union carpenter, who has a wife and children, said he has not been able to find a job in his field so has been working for minimum wage at a carrot factory.

Berger said he was wrongly convicted of a felony child support charge. But he didn't seem bitter and laughed it off as he left the courthouse with his wife and daughter.

"I guess I'll go pawn off some of my tools," he said. "I'll do whatever I have to do."

Foster said those who failed to show up face having to appear before him the next time they are in contact with law enforcement.

They will face a contempt of court charge, which carries a maximum penalty of \$7,500 and 93 days in jail. He suggested the scofflaws come to the court on their own and be ready to make a payment.